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NASA Procedural Requirements

COMPLIANCE IS MANDATORY**NPR 8820.2E**Effective Date: October 07,
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Subject: Facility Project Implementation Guide

Responsible Office: Facilities Engineering and Real Property Division

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APPENDIX F: Legislative Acts for Project Implementation

F.1 Americans With Disabilities Act (ADA) of 1990

On July 26, 1990, the Americans with Disabilities Act (ADA) became law. The Act outlaws discrimination on the basis of race, religion, sex, national origin, and disability. The ADA provides protection against discrimination in jobs, services, and accommodations for individuals with disabilities. NASA complies with ADA through the Rehabilitation Act of 1973. It removed the emphasis on vocational rehabilitation and focused on total rehabilitation of all people with disabilities. The three sections of the Rehabilitation Act of 1973, as amended, that cover NASA are:

- a. Section 501 that requires Federal agencies in the executive branch of Government to develop an affirmative action program for hiring, placement, and advancement of people with disabilities.
- b. Section 504 that prohibits discrimination on the basis of disability in federally assisted programs and activities.
- c. Section 508 that requires that electronic and information technology be accessible to people with disabilities, including employees and members of the public.

F.2 Health and Safety Policies and Procedures

F.2.1 Several Federal regulations related to safety and health impact directly upon building and construction functions of NASA and the Federal Government. The following are notable regulations:

- a. Executive Order 12196 - Occupational safety and health programs for Federal employees, as amended.
- b. 29 CFR Part 1910 OSHA general industry requirements including requirements for some building features.
- c. 29 CFR Part 1926 OSHA construction requirements applicable to all Federal and contractor construction workers including fall protection, public protection, trenching, and scaffolding.
- d. Public Law 100678 (Public Buildings Amendments of 1988) requires that buildings constructed or altered by Federal agencies comply with one of the nationally recognized model building codes and zoning laws.

F.2.1.2 In addition, NASA Headquarters or the Installations may specify compliance with other codes and standards as required.

F.3 Metrication

The Metric Conversion Act of 1975, as amended by the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C., 205a, et seq.) designates the metric system of measurement as the preferred system of weights and measures for United States trade and commerce except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms. Requiring activities are responsible for establishing appropriate units of measure for projects. Executive Order 12770 implements the Act and requires

agency plans. NASA [NPD 8010.2D](#), Use of the Metric System of Measurement in NASA Programs, governs metrication.

F.4 Procurement Policies and Procedures

F.4.1 Policies and procedures pertinent to contracting for construction and architect-engineer services are prescribed by Part 36 of the Federal Acquisition Regulations (FAR) and Part 1836 of the NASA FAR Supplement (NFS). Construction and architect-engineer contracts are also subject to other parts of these regulations. The FAR provides implementation guidance and procedures resulting from laws, executive orders, and regulations. Examples are:

F.4.2 Brooks Act (41 U.S.C. 254(b)) refers to the Act, which established quality-based versus price-based selection of AE firms. It further set the AE fee-for-services for public works or utilities (contract price or cost and fee) for production and delivery of designs, plans, drawings, and specifications at 6 percent of the estimated cost of construction of the public work or utility, excluding fees (see FAR 15.404-4).

F.4.3 Buy American Act (41 U.S.C. 10 and Executive Order 10582, December 17, 1954, as amended) requires, with limited exceptions, the use of domestic construction materials. Domestic construction materials means (a) an unmanufactured construction material mined or produced in the United States; or (b), a construction material manufactured in the United States, if the cost of its components mined, produced, or manufactured in the United States exceeds 50-percent of the cost of all of its components (see FAR 25.2).

F.4.4 Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333) -requires that laborers or mechanics be paid an overtime rate of not less than 1 1/2 times their basic rate of pay when required to work more than 40 hours in any work week (see FAR 22.3).

F.4.5 Copeland (AntiKickback) Act (18 U.S.C. 874 and 40 U.S.C. 276c) makes it unlawful to induce by force, intimidation, or threat of dismissal from employment, any person employed in the construction or repair of public buildings or public works financed in whole or part by the United States, to give up any part of the compensation to which that person is entitled under a contract of employment. The Act also requires the contractor and subcontractors to furnish a weekly statement of compliance with the "Anti-Kickback" statute and any related Department of Labor regulations (see FAR 22.4).

F.4.6 Davis Bacon Act (40 U.S.C. 276a7) provides that contractors awarded contracts in excess of \$2,000 for construction, alteration, or repair of public buildings, or public works within the United States, shall pay laborers and mechanics employed directly on the site not less than the prevailing wage rates as determined by the Secretary of Labor.

F.4.7 Miller Act (40 U.S.C. 270a270f) requires performance and payment bonds for any construction contract exceeding \$100,000 except when waived. Performance bonds are a guarantee of completion of the work. Payment bonds protect suppliers of material and labor (see FAR 28.1). Alternative payment protection for construction contracts greater than \$25,000, but not more than \$100,000 is required in accordance with Section 4101(b)(2) of the Federal Acquisition Streamlining Act of 1994 (P.L. 103-355).

F.4.8 Procurement Integrity Act (41 U.S.C. 423, as amended, Section 27) prohibits, during the conduct of a procurement, Government employees and/or representatives of competing contractors who function as procurement officials from engaging in discussion of future employment or business opportunity, offering or accepting gratuities or things of value, or soliciting, offering or otherwise disclosing proprietary or source selection information. Certain postemployment restrictions apply to Government employees (see FAR 3.104).

F.4.9 This listing is not inclusive and is a small portion of the laws, Executive orders, and regulations, which are imposed by other parts of the FAR.

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